

- UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

VIRTAMOVE, CORP.,	§ Case No. 2:24-cv-00093-JRG
	§ (Lead Case)
Plaintiff,	§
	§
v.	§ JURY TRIAL DEMANDED
	§
HEWLETT PACKARD ENTERPRISE	§
COMPANY,	§
	§
Defendant.	§
	§
VIRTAMOVE, CORP.,	§ Case No. 2:24-cv-00064-JRG
	§ (Member Case)
Plaintiff,	§
	§
v.	§ JURY TRIAL DEMANDED
	§
INTERNATIONAL BUSINESS	§
MACHINES CORP.,	§
	§
Defendant.	§
	§
	§

DECLARATION OF NATE NGEREBARA
IN SUPPORT OF DEFENDANT INTERNATIONAL BUSINESS
MACHINE'S OPPOSITION TO PLAINTIFF VIRTAMOVE
CORP.'S MOTION TO COMPEL (DKT. 196)

I, Nate Ngerebara, declare and state as follows:

1. I am a member of the State Bar of California, an attorney at the firm of Kirkland & Ellis, LLP, and counsel of record for Defendant International Business Machines Corp. (IBM), in the above-captioned actions. I have personal knowledge of the facts set forth herein, and if called upon to testify, I could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from Plaintiff's VirtaMove, Corp.'s Preliminary Disclosure of Asserted Claim and Infringement Contentions, served on June 5, 2024.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from Defendant IBM's Response to VirtaMove's Interrogatory No. 5 dated July 29, 2025; and IBM's First Supplemental Response to VirtaMove's Interrogatories No. 6 and No. 9, dated November 15, 2024.

4. Attached as Exhibit 3 is a true and correct copy of excerpts from a letter sent by my colleague Kyle Calhoun to Reza Mirzaie (counsel for VirtaMove), dated December 12, 2024; an email from me to Christian Conkle (counsel for VirtaMove), dated March 13, 2025; and an email from Christian Conkle (counsel for VirtaMove) to me, dated March 10, 2025.

5. Attached as Exhibit 4 is a true and correct copy of excerpts from a letter from me to Mr. Daniel Kolko (counsel for VirtaMove) dated April 30, 2025; an excerpt from IBM's Objections to VirtaMove's Notice of 30(b)(6) Deposition, dated April 29, 2025; and an email from Jefferson Cummings (counsel for VirtaMove) to me, dated May 9, 2025.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 16, 2025 at San Francisco, CA.

/s/ Nate Ngerebara

Nate Ngerebara